**LPDES PERMIT NO. LA0000281 (Agency Interest No. 1138)**

**LPDES FACT SHEET and RATIONALE**
FOR THE DRAFT LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (LPDES) PERMIT TO DISCHARGE TO WATERS OF LOUISIANA

**I. Company/Facility Name:** Westlake Vinyls Company, LP
Westlake Vinyls Company Complex
P.O. Box 228
Geismar, Louisiana 70734

**II. Issuing Office:** Louisiana Department of Environmental Quality (LDEQ)
Office of Environmental Services
Water Permits Division
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**Date Prepared:** December 5, 2008

LAC 33:IX Citations: Unless otherwise stated, citations to LAC 33:IX refer to promulgated regulations listed at Louisiana Administrative Code, Title 33, Part IX.

40 CFR Citations: Unless otherwise stated, citations to 40 CFR refer to promulgated regulations listed at Title 40, Code of Federal Regulations in accordance with the dates specified at LAC 33:IX.4901, 4903, and 2301.F.

**IV. Permit Action/Status:**

A. Reason For Permit Action:

Proposed reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term following regulations promulgated at LAC 33:IX.2711/40 CFR 122.46.

In order to ease the transition from NPDES to LPDES permits, dual regulatory references are provided where applicable. The LAC references are the legal references while the 40 CFR references are presented for informational purposes

only. In most cases, LAC language is based on and is identical to the 40 CFR language. 40 CFR Parts 401, 405-415, and 417-471 have been adopted by reference at LAC 33:IX.4903 and will not have dual references. In addition, state standards (LAC 33:IX. Chapter 11) will not have dual references.

B. LPDES permit: Permit effective date: November 1, 2003
Permit expiration date: October 31, 2008

EPA has not retained enforcement authority.

C. Application submittal date: Application received on February 7, 2008

**V. Facility Information:**

A. Location – 36045 Highway 30, Geismar, Ascension Parish (Latitude 30°12'54", Longitude 91°00'28").

B. Applicant Activity -

According to the application, Westlake Vinyls Company, LP is an organic chemical manufacturing facility that manufactures polyvinyl chloride (PVC), 1,2-dichloroethane (EDC), and vinyl chloride monomer (VCM). The facility also treats and discharges process area stormwater and process wastewater from the Hexion Specialty Chemicals Formaldehyde Plant (formerly Borden Chemicals, Inc.).

C. Technology Basis - (40 CFR Chapter 1, Subchapter N/Parts 401, 405-415, and 417-471 have been adopted by reference at LAC 33:IX.4903)

| Guidelines | Reference |
|---|---|
| Organic Chemicals, Plastics, and Synthetic Fibers | 40 CFR 414, Subparts D, F, and I |

Other sources of technology based limits:

- LDEQ Stormwater Guidance, letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6)
- Best Professional Judgement

D. Fee Rate -

1. Fee Rating Facility Type: Major
2. Complexity Type: VI
3. Wastewater Type: II

4. SIC code: 2869

E. Continuous Facility Effluent Flow - 3.28 MGD (30-day max)

**VI. Receiving Waters:** Mississippi River (Outfall 001) and New River (Outfall 002)

Mississippi River:

A. TSS (15%), mg/L: 32.0 mg/l*
B. Average Hardness, mg/L $CaCO_3$: 153.4 mg/l*
C. Critical Flow, cfs: 141,955 *
D. Mixing Zone Fraction: 1/3 *
E. Harmonic Mean Flow, cfs: 366,748*
F. River Basin: Mississippi River, Segment No.: 070301
G. Designated Uses: primary contact recreation, secondary contact recreation, fish and wildlife propagation, and drinking water supply

New River:

A. River Basin: Lake Pontchartrain, Segment No.: 040404
B. Designated Uses: primary contact recreation, secondary contact recreation, fish and wildlife propagation

* Stream Data information based upon the following: Water Quality Management Plan, Volume 5A, 1994; LAC 33:IX Chapter 11, and memo dated February 5, 2009 from Todd Franklin. Hardness and 15% TSS data come from the monitoring station #319 on the Mississippi River listed in Hardness and TSS Data for All LDEQ Ambient Stations for the Period of Record as of March 1998, LeBlanc.

**VII. Outfall Information:**

Outfall 001

A. Type of wastewater – The continuous discharge of treated process wastewaters and process area stormwater from the VCM-E and PVC plants, cooling tower blowdown, groundwater recovery water, laboratory wastewater, sanitary wastewater, process wastewater and process area stormwater from the WVC tank farm, miscellaneous utility wastewater (consisting of but not limited to hydrostatic test wastewater and firewater systems test water), non-process area stormwater (if necessary), and process wastewater and process area stormwater from Hexion Specialty Chemicals Formaldehyde Plant

B. Location – At the point of discharge from the wastewater treatment facility prior to the inlet of the LC Geismar Services, LLC outfall pipe (Latitude 30°12'32", Longitude 91°00'39")

C. Treatment – Treatment of wastewater consists of:
- steam stripping
- aerobic digestion
- air stripping (optional)
- incinerator scrubber (cooling tower blowdown only)
- chlorination (sanitary only)

D. Flow – Continuous: 3.28 MGD (30-Day Max)

E. Receiving waters – Mississippi River

F. Basin and segment – Mississippi River Basin, Segment 070301

G. Effluent data – See Appendix C

Outfall 002

A. Type of wastewater – The intermittent discharge of non-process area stormwater

B. Location – At the point of discharge where the stormwater drainage leaves the northeast corner of the plant premises near the Administrative Building prior to combining with the waters of New River (Latitude 30°13'02", Longitude 91°00'20")

C. Treatment – None

D. Flow – Intermittent and variable

E. Receiving waters – New River via drainage ditches

F. Basin and segment – Lake Pontchartrain Basin, Segment 040404

G. Effluent data – See Appendix C

## VIII. Proposed Permit Limits and Rationale:

The specific effluent limitations and/or conditions will be found in the draft permit. Development and calculation of permit limits are detailed in the Permit Limit Rationale section below.

The following section sets forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. Also set forth are any calculations or other explanations of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard provisions as required under LAC 33:IX.2707/40 CFR Part 122.44 and reasons why they are applicable or an explanation of how the alternate effluent limitations were developed.

### A. PERMIT CHANGES

1. Outfall 001 – Mass limitations have increased based upon new flow information provided in the February 7, 2008 application.

2. Outfalls 001 – Ammonia and organic nitrogen monitoring from the previous permit have been removed. These pollutants were added to the previous permit because at the time, there was a nitrogen stream impairment listed on the 305(b) report for the Mississippi River. Since that time, the receiving waterbody segment (070301) has been delisted.

3. Outfall 001 – The biomonitoring dilution series has changed based upon new flow information.

4. The facility's name has changed to Westlake Vinyls Company Complex since issuance of the previous permit.

### C. TECHNOLOGY-BASED VERSUS WATER QUALITY STANDARDS-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Following regulations promulgated at LAC 33:IX.2707.L.2.b/40 CFR Part 122.44(l)(2)(ii), the draft permit limits are based on either technology-based effluent limits pursuant to LAC 33:IX.2707.A/40 CFR Part 122.44(a) or on State water quality standards and requirements pursuant to LAC 33:IX.2707.D/40 CFR Part 122.44(d), whichever are more stringent.

## TECHNOLOGY-BASED EFFLUENT LIMITATIONS AND CONDITIONS

Regulations promulgated at LAC 33:IX.2707.A/40 CFR Part 122.44(a) require technology-based effluent limitations to be placed in LPDES permits based on effluent limitations guidelines where applicable, on BPJ (best professional judgement) in the absence of guidelines, or on a combination of the two. The following is a rationale for the limitations established in the permit.

Westlake Vinyls Company, LP is subject to Best Practicable Control Technology Currently Available (BPT) and Best Available Technology Economically Achievable (BAT) effluent limitation guidelines listed below:

| Manufacturing Operation | Guideline |
|---|---|
| Organic Chemicals, Plastics, and Synthetic Fibers | 40 CFR 414, Subparts D, F and I |

## WATER QUALITY-BASED EFFLUENT LIMITATIONS

Technology-based effluent limitations and/or specific analytical results from the permittee's application were screened against state water quality numerical standard based limitations by following guidance procedures established in the Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, LDEQ, April 16, 2008.

In accordance with 40 CFR 122.44(d)(I)/LAC 33:IX.2707.D.1., the existing discharge was evaluated in accordance with the Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, LDEQ, April 16, 2008, to determine whether pollutants would be discharged "at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any state water quality standard." Calculations, results, and documentation are given in Appendix B.

The following pollutants received water quality based effluent limitations:

None

Minimum quantification levels (MQLs) for state water quality numerical standards-based effluent limitations are set at the values listed in the Permitting Guidance Document for Implementing Louisiana Surface Water Quality Standards, LDEQ, April 16, 2008. They are also listed in Part II of the permit.

To further ensure compliance with 40 CFR 122.44(d)(I), whole effluent toxicity testing has been established for Outfall 001 (See Section VIII.E below).

Below is a summary of the proposed effluent limitations:

**Outfall 001** – The continuous discharge of treated process wastewaters and process area stormwater from the VCM-E and PVC plants, cooling tower blowdown, groundwater recovery water, laboratory wastewater, sanitary wastewater, process wastewater and process area stormwater from the WVC tank farm, miscellaneous utility wastewater (consisting of but not limited to hydrostatic test wastewater and firewater systems test water), non-process area stormwater (if necessary), and process wastewater and process area stormwater from Hexion Specialty Chemicals Formaldehyde Plant .

| Parameter | Monthly Avg. (lbs/day) | Daily Max. (lbs/day) | Frequency | Sample Type |
|---|---|---|---|---|
| Flow-MGD | Report | Report | Continuous | Recorder |
| pH Range Excursions (Continuous Monitoring), Number of Events >60 Minutes | --- | 0(*1) | Continuous | Recorder |
| pH Range Excursions (Continuous Monitoring), Monthly Total Accumulated Time in Minutes | --- | 446(*1) | Continuous | Recorder |
| pH Min/Max Values (Standard Units) | Report (Min) | Report (Max) | Continuous | Recorder |
| $BOD_5$ | 619 | 1601 | 1/week | 24-hr. Composite 9 |
| TSS | 1070 | 3402 | 1/week | 24-hr. Composite |
| Total Copper | 27.93 | 65.12 | 1/week | 24-hr. Composite |
| VOLATILE COMPOUNDS | | | | |
| Acrylonitrile | 1.85 | 4.66 | 1/year | 24-hr. Composite |
| Benzene | 0.71 | 2.62 | 1/year | 24-hr. Composite |
| Carbon Tetrachloride | 0.35 | 0.73 | 1/week | 24-hr. Composite |
| Chlorobenzene | 0.29 | 0.54 | 1/year | 24-hr. Composite |
| Chloroethane | 2.0 | 5.16 | 1/year | 24-hr. Composite |
| Chloroform | 0.40 | 0.89 | 1/week | 24-hr. Composite |
| 1,1-Dichloroethane | 0.42 | 1.14 | 1/year | 24-hr. Composite |
| 1,2-Dichloroethane | 1.31 | 4.06 | 1/week | 24-hr. Composite |
| 1,1-Dichloroethylene | 0.31 | 0.48 | 1/year | 24-hr. Composite |
| 1,2-trans-Dichloroethylene | 0.40 | 1.04 | 1/year | 24-hr. Composite |
| 1,2-Dichloropropane | 2.95 | 4.43 | 1/year | 24-hr. Composite |
| 1,3-Dichloropropylene | 0.56 | 0.85 | 1/year | 24-hr. Composite |
| Ethylbenzene | 0.62 | 2.08 | 1/year | 24-hr. Composite |
| Methyl Chloride | 1.66 | 3.66 | 1/week | 24-hr. Composite |

| | | | | |
|---|---|---|---|---|
| Methylene Chloride | 0.77 | 1.71 | 1/week | 24-hr. Composite |
| Tetrachloroethylene | 0.42 | 1.08 | 1/year | 24-hr. Composite |
| Toluene | 0.50 | 1.54 | 1/week | 24-hr. Composite |
| 1,1,1-Trichloroethane | 0.40 | 1.04 | 1/year | 24-hr. Composite |
| 1,1,2-Trichloroethane | 0.40 | 1.04 | 1/week | 24-hr. Composite |
| Trichloroethylene | 0.40 | 1.04 | 1/week | 24-hr. Composite |
| Vinyl Chloride | 2.00 | 5.16 | 1/week | 24-hr. Composite |
| ACID COMPOUNDS | | | | |
| 2-Chlorophenol | 0.60 | 1.89 | 1/year | 24-hr. Composite |
| 2,4-Dichlorophenol | 0.75 | 2.16 | 1/year | 24-hr. Composite |
| 2,4-Dimethylphenol | 0.35 | 0.69 | 1/year | 24-hr. Composite |
| 4,6-Dinitro-o-Cresol | 1.50 | 5.34 | 1/year | 24-hr. Composite |
| 2,4-Dinitrophenol | 1.37 | 2.37 | 1/year | 24-hr. Composite |
| 2-Nitrophenol | 0.79 | 1.33 | 1/year | 24-hr. Composite |
| 4-Nitrophenol | 1.39 | 2.39 | 1/year | 24-hr. Composite |
| Phenol | 0.29 | 0.50 | 1/year | Grab |
| BASE NEUTRAL COMPOUNDS | | | | |
| Acenaphthene | 0.42 | 1.14 | 1/year | 24-hr. Composite |
| Acenaphthylene | 0.42 | 1.14 | 1/year | 24-hr. Composite |
| Anthracene | 0.42 | 1.14 | 1/year | 24-hr. Composite |
| Benzo(a)anthracene | 0.42 | 1.14 | 1/year | 24-hr. Composite |
| Benzo(a)pyrene | 0.44 | 1.18 | 1/year | 24-hr. Composite |
| 3,4-Benzofluoranthene | 0.44 | 1.18 | 1/year | 24-hr. Composite |
| Benzo(k)fluoranthene | 0.42 | 1.14 | 1/year | 24-hr. Composite |
| Bis(2-ethylhexyl) phthalate | 1.98 | 5.38 | 1/year | 24-hr. Composite |
| Chrysene | 0.42 | 1.14 | 1/year | 24-hr. Composite |
| 1,2-Dichlorobenzene | 1.48 | 3.14 | 1/year | 24-hr. Composite |
| 1,3-Dichlorobenzene | 0.60 | 0.85 | 1/year | 24-hr. Composite |
| 1,4-Dichlorobenzene | 0.29 | 0.54 | 1/year | 24-hr. Composite |
| Diethyl phthalate | 1.56 | 3.91 | 1/year | 24-hr. Composite |
| Dimethyl phthalate | 0.37 | 0.91 | 1/year | 24-hr. Composite |
| Di-n-butyl phthalate | 0.52 | 1.10 | 1/year | 24-hr. Composite |
| 2,4-Dinitrotoluene | 2.18 | 5.49 | 1/year | 24-hr. Composite |
| 2,6-Dinitrotoluene | 4.91 | 12.35 | 1/year | 24-hr. Composite |
| Fluoranthene | 0.48 | 1.31 | 1/year | 24-hr. Composite |
| Fluorene | 0.42 | 1.14 | 1/year | 24-hr. Composite |
| Hexachlorobenzene | 0.29 | 0.54 | 1/year | 24-hr. Composite |
| Hexachlorobutadiene | 0.39 | 0.94 | 1/year | 24-hr. Composite |
| Hexachloroethane | 0.40 | 1.04 | 1/year | 24-hr. Composite |
| Naphthalene | 0.42 | 1.14 | 1/year | 24-hr. Composite |
| Nitrobenzene | 0.52 | 1.31 | 1/year | 24-hr. Composite |
| Phenanthrene | 0.42 | 1.14 | 1/year | 24-hr. Composite |
| Pyrene | 0.48 | 1.29 | 1/year | 24-hr. Composite |
| 1,2,4-Trichlorobenzene | 1.31 | 2.70 | 1/year | 24-hr. Composite |
| Whole Effluent Toxicity Testing | --- | --- | 1/year | 24 hr. Composite |

(*1) The pH shall be within the range of 6.0 – 9.0 standard units at all times subject to continuous monitoring pH range excursion provisions. Where a permittee continuously measures the pH of wastewater as a requirement or option in an LPDES permit, the permittee shall maintain the pH of such wastewater within the range set forth in the permit, except that excursions from the range are permitted, provided:

1. The total time during which the pH values are outside the required range of pH values shall not exceed 446 minutes in any calendar month; and
2. No individual excursion from the range of pH values shall exceed 60 minutes.

***EFFLUENT LIMITATIONS BASIS for Outfall 001:***

**Flow**: The requirement to report flow is based upon LAC 33:IX.2707.I.1.b. and the previous permit.

**$BOD_5$, TSS, Total Copper, toxic organics and pH**: Limitations are based upon 40 CFR 414 Subparts D, F and I; and BPJ. See Appendix A for more detail on calculation of the limitations.

**Whole Effluent Toxicity Testing**: See Section E below for justification of requirements.

SITE-SPECIFIC CONSIDERATIONS:

The production fractions used to calculate the technology limitations were calculated in the following manner (which is consistent with how they were done in the previous permit):

| Subpart | Contributing Flows | Total Flow | Fraction |
|---|---|---|---|
| Subpart D | PVC plant process WW and process area SW. | 1.73 MGD | 0.75 |
| Subpart F | VCM-E plant process WW and process area SW, Hexion Specialty Chemicals Formaldehyde Plant process WW and process area SW | 0.57 MGD | 0.25 |

As established in the previous permit, the draft permit establishes BPJ allocations for BOD and TSS loadings for utility wastewaters, and miscellaneous wastewaters that are based upon the total weighted OCPSF concentrations. Below is a summary of the BPJ concentrations:

Utility Wastewaters:

| BOD | | TSS | |
|---|---|---|---|
| Avg | Max | Avg | Max |
| 50% of Weighted OCPSF Concentration | 50% of Weighted OCPSF Concentration | 100% of Weighted OCPSF Concentration | 100% of Weighted OCPSF Concentration |
| 12.75 mg/l | 34 mg/l | 41.5 mg/l | 134.75 mg/l |

Miscellaneous Wastewaters:

| BOD | | TSS | |
|---|---|---|---|
| Avg | Max | Avg | Max |
| 50% of Weighted OCPSF Concentration | 50% of Weighted OCPSF Concentration | 50% of Weighted OCPSF Concentration | 50% of Weighted OCPSF Concentration |
| 12.75 mg/l | 34 mg/l | 20.75 mg/l | 67.375 mg/l |

Additionally, as established in the previous permit, the draft permit calculates BPJ allocations for BOD and TSS loadings for sanitary wastewater that are based upon secondary treatment concentrations [30 mg/l (Avg), and 45 mg/ (Max)].

**Outfall 002** - The intermittent discharge of non-process area stormwater

| Parameter | Monthly Avg. (mg/l) | Daily Max. (mg/l) | Frequency | Sample Type |
|---|---|---|---|---|
| Flow-MGD | Report | Report | 1/week | Estimate |
| TOC | --- | 50 | 1/ 2 months | Grab |
| Oil & Grease | --- | 15 | 1/quarter | Grab |
| pH Min/Max Values (Standard Units) | 6.0 (Min) | 9.0 (Max) | 1/week | Grab |

***EFFLUENT LIMITATIONS BASIS for Outfall 002:***

**Flow:** The requirement to report flow is based upon LAC 33:IX.2707.I.1.b.

**TOC and Oil & Grease**: Limitations are based upon the previous permit and LDEQ's stormwater guidance [letter dated 6/17/87, from J. Dale Givens (LDEQ) to Myron Knudson (EPA Region 6)].

**pH**: Requirements are based upon the previous permit and LAC 33:IX.1113.C.1.

D. MONITORING FREQUENCIES

All monitoring frequencies are based upon the previous permit. Whole Effluent Toxicity testing frequency is based upon recommendations from the Municipal and General Water Permits Section (see Appendix D).

## E. BIOMONITORING REQUIREMENTS

It has been determined that there may be pollutants present in the effluent which may have the potential to cause toxic conditions in the receiving stream. The State of Louisiana has established a narrative criteria which states, "toxic substances shall not be present in quantities that alone or in combination will be toxic to plant or animal life." The Office of Environmental Services requires the use of the most recent EPA biomonitoring protocols.

Whole effluent biomonitoring is the most direct measure of potential toxicity which incorporates both the effects of synergism of effluent components and receiving stream water quality characteristics. Biomonitoring of the effluent is, therefore, required as a condition of this permit to assess potential toxicity. The biomonitoring procedures stipulated as a condition of this permit for Outfall 001 are as follows:

| TOXICITY TESTS | FREQUENCY |
|---|---|
| NOEC, Pass/Fail [0/1],<br>Lethality, Static Renewal,<br>48-Hour Acute,<br>Pimephales promelas | 1/year |
| NOEC, Value [%],<br>Lethality, Static Renewal,<br>48-Hour Acute,<br>Pimephales promelas | 1/year |
| NOEC, Value [%]<br>Coefficient of Variation, Static Renewal<br>48-Hour Acute,<br>Pimephales promelas | 1/year |
| NOEC, Pass/Fail [0/1],<br>Lethality, Static Renewal<br>48-Hour Acute,<br>Daphnia pulex | 1/year |
| NOEC, Value [%],<br>Lethality, Static Renewal<br>48-Hour Acute<br>Daphnia pulex | 1/year |

NOEC, Value [%] 1/year
Coefficient of Variation, Static Renewal
48-Hour Acute,
Daphnia pulex

Toxicity tests shall be performed in accordance with protocols described in the latest revision of the "Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms." The stipulated test species are appropriate to measure the toxicity of the effluent consistent with the requirements of the State water quality standards. The biomonitoring frequency has been established to reflect the likelihood of ambient toxicity and to provide data representative of the toxic potential of the facility's discharge in accordance with regulations promulgated at LAC 33:IX.2715/40 CFR Part 122.48.

Results of all dilutions as well as the associated chemical monitoring of pH, temperature, hardness, dissolved oxygen, conductivity, and alkalinity shall be documented in a full report according to the test method publication mentioned in the previous paragraph. The permittee shall submit a copy of the first full report to this Office. The full report and subsequent reports are to be retained for three (3) years following the provisions of Part III.C.3 of this permit. The permit requires the submission of certain toxicity testing information as an attachment to the Discharge Monitoring Report.

This permit may be reopened to require effluent limits, additional testing, and/or other appropriate actions to address toxicity if biomonitoring data show actual or potential ambient toxicity to be the result of the permittee's discharge to the receiving stream or water body. Modification or revocation of the permit is subject to the provisions of LAC 33:IX.3105/40 CFR 124.5. Accelerated or intensified toxicity testing may be required in accordance with Section 308 of the Clean Water Act.

Dilution Series

The permit requires five (5) dilutions in addition to the control (0% effluent) to be used in the toxicity tests. The additional effluent concentrations shall be 0.045%, 0.060%, 0.080%, 0.11%, and 0.14% effluent. The biomonitoring critical dilution is defined as 0.11% effluent.

**IX. Compliance History/DMR Review:**

As of February 5, 2009, there are no pending enforcements actions on file. For the period of January 1, 2006 – December 31, 2008, there were no excursions reported.

## X. Endangered Species:

The receiving waterbodies for Westlake Vinyls Company, LP are Subsegment 070301 of the Mississippi River Basin and Subsegment 040404 of the Lake Pontchartrain Basin. Segment 070301 of the Mississippi River Basin has been identified by the U.S. Fish and Wildlife Service (FWS) as habitat for the Pallid Sturgeon, which is listed as a threatened or endangered species. This draft permit has been submitted to the FWS for review in accordance with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). As set forth in the Memorandum of Understanding between the LDEQ and the FWS, and after consultation with FWS, LDEQ has determined that the issuance of the LPDES permit is not likely to have an adverse effect upon the Pallid Sturgeon. Effluent limitations are established in the permit to ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. The more stringent of technology and water quality based limits (as applicable) have been applied to ensure maximum protection of the receiving water.

## XI. Historic Sites:

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

## XII. Tentative Determination:

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to issue a permit for the discharges described in the application.

## XIII. Variances:

No requests for variances have been received by this Office.

## XIV. Public Notices:

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the fact sheet. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

A public notice will be published in a local newspaper of general circulation and in the Office of Environmental Services Public Notice Mailing List.

## XV. TMDL Waterbodies:

Westlake Vinyls Company, LP discharges process wastewaters, recovered groundwater, utility wastewaters, stormwater, miscellaneous wastewaters and sanitary wastewaters to the Mississippi River (Segment 070301). Segment 070301 is not listed on LDEQ's Final 2006 303(d) List, as impaired, and to date no TMDLs have been established.

The facility also discharges non process area stormwater runoff to Segment 040404 of the Lake Pontchartrain Basin. This segment is currently impaired for organic enrichment/low DO and pathogen indicators. TMDLs are scheduled for completion by March 31, 2011, with an EPA backstop date of March 31, 2012. This Office has determined that due to the nature of the discharges from Westlake Vinyls Company's Outfall 002, there is no potential to discharge pollutants that could contribute to organic enrichment or pathogen indicators at a level that could cause or contribute to further impairment of the receiving stream.

A reopener clause will be included in the permit to allow for the establishment of more stringent effluent limitations and requirements as imposed by any future TMDLs.

## XVI. Stormwater Pollution Prevention Plan (SWP3) Requirements:

In accordance with LAC 33:IX.2707.I.3 and 4 [40 CFR 122.44(I)(3) and (4)], a Part II condition is proposed for applicability to all storm water discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow. For first time permit issuance, the Part II condition requires a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. For renewal permit issuance, the Part II condition requires that the Storm Water Pollution Prevention Plan (SWP3) be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. If the permittee maintains other plans that contain duplicative information, those plans could be incorporated by reference to the SWP3. Examples of these type plans include, but are not limited to: Spill Prevention Control and Countermeasures Plan (SPCC), Best Management Plan (BMP), Response Plans, etc. The conditions will be found in the draft permit. Including Best Management Practice (BMP) controls in the form of a SWP3 is consistent with other LPDES and EPA permits regulating similar discharges of stormwater associated with industrial activity, as defined in LAC 33:IX.2522.B.14 [40 CFR 122.26(b)(14)].